POLICY NOTE

THE HEALTH PROTECTION (CORONAVIRUS) (INTERNATIONAL TRAVEL) (SCOTLAND) AMENDMENT (NO. 12) REGULATIONS 2021

SSI 2021/230

The above instrument was made in exercise of the powers conferred by sections 94(1)(b)(i) and 122(2)(a) and (b) of the Public Health etc. (Scotland) Act 2008 ("the 2008 Act"). Section 122(5) of the 2008 Act states that regulations under section 94(1) are subject to the affirmative procedure. However, section 122(6) provides that the affirmative procedure will not apply if the Scottish Ministers consider that the regulations need to be made urgently. In such situations, section 122(7) applies.

Summary Box

This instrument makes further amendments to the Health Protection (Coronavirus) (International Travel) (Scotland) Regulations 2020 (SSI 2020/169, "the principal Regulations"), which impose requirements on international travellers, to reduce the public health risks posed by the spread of coronavirus (severe acute respiratory syndrome coronavirus 2, or SARS-CoV-2) in Scotland which causes the coronavirus disease (COVID-19).

This instrument removes Portugal from the list of exempt countries, territories and parts of countries or territories in Part 1 of schedule A1 of the principal Regulations.

Afghanistan, Bahrain, Costa Rica, Egypt, Sri Lanka, Sudan, and Trinidad and Tobago are added to the list of acute risk countries, territories and parts of countries or territories in schedule A2 of the principal Regulations.

Background

The Health Protection (Coronavirus) (International Travel) (Scotland) Regulations 2020 (SSI 2020/169) were made on 7 June and came into force on 8 June, 2020, and were laid in the Scottish Parliament on 8 June 2020.

2. This instrument makes further amendments to the principal Regulations.

3. The principal Regulations were made urgently in order to reduce the likelihood that an increase in coronavirus infections in Scotland would arise as a result of imported cases.

Policy Objectives

4. Regulation 5 removes Portugal from the list of exempt countries, territories and parts of countries or territories in Part 1 of schedule A1 of the principal Regulations. This means that persons arriving in Scotland at or after the time these Regulations come into force are no longer exempt from the movement restriction in regulation 6 of the principal Regulations if, during the 10 days preceding their arrival, they have departed from or transited through Portugal.

7. Regulation 6 adds Afghanistan, Bahrain, Costa Rica, Egypt, Sri Lanka, Sudan, and Trinidad and Tobago to the list of acute risk countries, territories and parts of countries or territories in schedule A2 to the principal Regulations. This means that persons arriving in Scotland at or after the time these Regulations come into force may only enter Scotland at a designated airport and must be in possession of a managed self-isolation package if, during the 10 days preceding their arrival, they have departed from or transited through any of these countries or territories. Exemptions from isolation are constrained for persons who have, in this period, departed from or transited through an acute risk country or territory.

9. The list of countries and territories in schedules A1 and A2 of the principal Regulations is subject to on-going review and further countries and territories are added or removed, informed by their risk status, when it is appropriate and proportionate to do so.

8. The decision on country changes are based on the assessment of the risk of transmission within this country, prevalence of variants of concern and variants under investigation, evidence of exporting the variants, sequencing capacity and proximity or strong travel links to other high risk countries or territories.

Consultation

10. This instrument is being made urgently in Scotland to make further amendments to the public health measures in respect of international arrivals to the UK that were brought in on a UK-wide basis from 8 June 2020. The purpose of the principal Regulations is, as above, to help prevent further spread of the coronavirus. Each of the four nations is required under their own regulation-making powers to conduct regular reviews, and as those reviews are conducted there is the possibility of divergence from that initial four nation aligned approach, either on the need for the Regulations themselves or for any of the measures imposed by those Regulations. Such policy divergence may include the Scottish Government, or any of the other three administrations in the UK, reaching a different view on exempt countries and territories or parts thereof under the Regulations, reflecting differences in the prevalence of COVID-19 in that particular nation at any review point.

11. This instrument makes further amendments to the principal Regulations to take into account the outcome of a review of those Regulations. The continued pace of the work on this and changing circumstances both in Scotland and other countries has meant limited consultation with external stakeholders in Scotland, but there has been ongoing discussion and dialogue by Scottish Government with Police Scotland, COPFS, Border Force in Scotland, Public Health Scotland and key airports in Scotland as the policy has continued to be shaped.

Impact Assessments

12. Impact assessments will be made available on www.legislation.gov.uk.

Scottish Government
COVID Co-ordination Directorate
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